

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 9/19/2023
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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- v. -

SLAVA (STANLEY) KAPLAN,

Defendant.

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:  
: CONSENT PRELIMINARY ORDER  
OF FORFEITURE/  
: MONEY JUDGMENT  
:  
: 23 Cr. 320 (GHW)

WHEREAS, on or about June 28, 2023, SLAVA (STANLEY) KAPLAN (the “Defendant”), among others, was charged in a sealed Indictment, 23 Cr. 320 (GHW) (the “Indictment”). The Indictment contained twenty-two counts, and the Defendant was charged in eight of those counts. Specifically, the Indictment charged the Defendant with: (i) one count of conspiracy to commit securities fraud and tender offer fraud, in violation of Title 18, United States Code, Section 371 (Count One); (ii) three counts of securities fraud, in violation of Title 15, United States Code, Sections 78j(b) and 78ff; Title 17, Code of Federal Regulations, Sections 240.10b-5, 240.10b5-1, and 240.10b5-2; and Title 18, United States Code, Section 2 (Counts Four, Five, and Six); (iii) one count of securities fraud, in violation of Title 18, United States Code, Sections 1348 and 2 (Count Twelve); and (iv) three counts of tender offer fraud, in violation of Title 15, United States Code, Sections 78n(e) and 78ff; Title 17, Code of Federal Regulations, Sections 240.14e-3(a) and 240.14e-3(d); and Title 18, United States Code, Section 2 (Counts Fifteen, Sixteen, and Seventeen);

WHEREAS, the Indictment included a forfeiture allegation as to Counts One through Twenty-Two of the Indictment, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461(c), of any and all property, real and personal, that constitutes or is derived from proceeds traceable to

the commission of the offenses alleged in Counts One through Twenty-Two, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of the offenses charged in Counts One through Twenty-Two that the Defendants personally obtained;

WHEREAS, on or about September 19, 2023, the Defendant pled guilty to Count Four of the Indictment, pursuant to a plea agreement with the Government, wherein the Defendant admitted the forfeiture allegation with respect to Count Four of the Indictment and agreed to forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461(c), a sum of money equal to \$472,053.61 in United States currency, representing the amount of proceeds traceable to the commission of the offense charged in Count Four of the Indictment;

WHEREAS, the Defendant consents to the entry of a money judgment in the amount of \$472,053.61 in United States currency, representing the amount of proceeds traceable to the offense charged in Counts Four of the Indictment that the Defendant personally obtained; and

WHEREAS, the Defendant admits that, as a result of acts and/or omissions of the Defendant, the proceeds traceable to the offense charged in Count Four of the Indictment that the Defendant personally obtained cannot be located upon the exercise of due diligence.

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Damian Williams, United States Attorney, Assistant United States Attorneys Sarah Mortazavi and Samuel P. Rothschild, of counsel, and the Defendant and his counsel, Rachel Maimin, Esq., that:

1. As a result of the offense charged in Count Four of the Indictment, to which the Defendant pled guilty, a money judgment in the amount of \$472,053.61 in United States currency (the "Money Judgment"), representing the amount of proceeds traceable to the offense charged in Count Four of the Indictment that the Defendant personally obtained, shall be entered against the Defendant.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Consent Preliminary Order of Forfeiture/Money Judgment is final as to the Defendant SLAVA (STANLEY) KAPLAN, and shall be deemed part of the sentence of the Defendant, and shall be included in the judgment of conviction therewith.

3. All payments on the outstanding money judgment shall be made by postal money order, bank or certified check, made payable, in this instance, to the United States Marshals Service, and delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Money Laundering and Transnational Criminal Enterprises Unit, One St. Andrew's Plaza, New York, New York 10007 and shall indicate the Defendant's name and case number.

4. The United States Marshals Service is authorized to deposit the payments on the Money Judgment into the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

5. Pursuant to Title 21, United States Code, Section 853(p), the United States is authorized to seek forfeiture of substitute assets of the Defendant up to the uncollected amount of the Money Judgment.

6. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate




or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

7. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

8. The signature page of this Consent Preliminary Order of Forfeiture/Money Judgment may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:

DAMIAN WILLIAMS  
United States Attorney for the  
Southern District of New York


By:   
SARAH MORTAZAVI  
SAMUEL P. ROTHSCHILD  
Assistant United States Attorneys  
One St. Andrew's Plaza  
New York, NY 10007  
(212) 637-2520/2504

9/19/23  
DATE

SLAVA (STANLEY) KAPLAN


By:   
SLAVA (STANLEY) KAPLAN

9/19/2023  
DATE

By:   
RACHEL MAIMIN ESQ.  
Attorney for Defendant  
1251 Avenue of the Americas  
New York, NY 10020  
rmainin@lowenstein.com

9/19/23  
DATE

SO ORDERED:

  
HONORABLE GREGORY H. WOODS  
UNITED STATES DISTRICT JUDGE

September 19, 2023  
DATE